DOCUMENT RESUME

ED 463 201 SO 033 591

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TITLE	Affidavit and Flyers from the Chinese Boycott Case. The Constitution Community: The Development of the Industrial United States (1870-1900).
INSTITUTION	National Archives and Records Administration, Washington, DC.
PUB DATE	2001-00-00
NOTE	15p.; For other lesson plans on the development of the industrial United States, see SO 033 589-592.
AVAILABLE FROM	National Archives and Records Administration, 700 Pennsylvania Avenue, NW, Washington, DC 20408. Tel: 866-325-7208; e-mail: inquire@nara.gov. For full text: http://www.nara.gov/education/cc/chinese.html.
PUB TYPE	Guides - Classroom - Teacher (052)
EDRS PRICE	MF01/PC01 Plus Postage.
DESCRIPTORS	Academic Standards; *Citizenship; Government Role; *Immigrants; *Laws; National Standards; *Primary Sources; Social Studies; Student Research; Teacher Developed Materials; *United States History
IDENTIFIERS	*Chinese People; Congress; National Civics and Government Standards; National History Standards; *United States Constitution

ABSTRACT

Under Article I, Section 8, Clause 4, of the United States Constitution, the U.S. Congress is granted the power to "establish an uniform Rule of Naturalization." With passage of the Chinese Exclusion Act in 1882, Congress exercised this authority, denying the rights of citizenship to all Chinese immigrants. The Chinese Boycott Case demonstrates one instance when immigrants overcame the ramifications of such laws through the U.S. judicial system. This lesson focuses on the period in U.S. history when Chinese immigrants were only begrudgingly accepted and faced taxes aimed at foreign people and additional discriminatory legislation during the latter half of the 19th century. It correlates to the National History Standards and to the National Standards for Civics and Government. The two primary source documents are labor union flyers promoting the boycott of Chinese businesses and the affidavit of Huie Pock and Quon Loy. The lesson provides historical background for the legal question (with two resources) and suggests diverse teaching activities for classroom implementation, including interpreting the documents, a courtroom simulation, immigration data and statistics, legislation timeline, compare and contrast, the Chinese Exclusion Act, and the National Archives and Records Administration Archival Information Locator (NAIL) research. (BT)

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THE CONSTITUTION COMMUNITY

The Development of the Industrial United States (1870-1900)

Affidavit and Flyers from the Chinese Boycott Case

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2001

The Constitution Community is a partnership between classroom teachers and education specialists from the National Archives and Records Administration. We are developing lessons and activities that address constitutional issues, correlate to national academic standards, and encourage the analysis of primary source documents. The lessons that have been developed are arranged according to historical era.

SO033591

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Affidavit and Flyers from the Chinese Boycott Case

Constitutional Connection

Under Article I, Section 8, Clause 4, of the U.S. Constitution, the Congress is granted the power to "establish an uniform Rule of Naturalization." With passage of the Chinese Exclusion Act in 1882, Congress exercised this authority, denying the rights of citizenship to all Chinese immigrants. The Chinese Boycott Case demonstrates one instance when immigrants overcame the ramifications of such laws through the U.S. judicial system.

This lesson correlates to the National History Standards.

Era 6 -The Development of the Industrial United States (1870-1900)

- **Standard 2A** -Demonstrate understanding of the sources and experiences of the new immigrants.
- **Standard 3B** -Demonstrate understanding of the rise of labor unions and the role of state and federal governments in labor conflicts.
- **Standard 3C** -Demonstrate understanding of how Americans grappled with social, economic, and political issues.

This lesson correlates to the National Standards for Civics and Government.

Standard I.A.2 -Explain the major arguments advanced for the necessity of politics and government.

Standard II.D.4 -Evaluate, take, and defend positions on issues in which fundamental values and principles may be in conflict.

Cross-curricular Connections

Share this document and teaching suggestions with your history, government, language arts, and math colleagues.

List of Documents

1. Labor union flyers promoting boycott of Chinese businesses (example 1, example 2, example 3)

2. Affidavit of Huie Pock and Quon Loy (page 1, page 2, page 3)

Historical Background

Although a very small number of Chinese immigrants came to the United States prior to 1850, it wasn't until news of the gold strikes in California reached China that large numbers of Chinese men, eager to earn money, sailed for "Gum San," or the "gold mountain." Western encroachment and civil unrest had led to inflation, starvation, and loss of land in southern China. Many young men emigrated to the United States as a last hope for their families. Among their occupations were mining, building the Central Pacific Railroad, laundering, cooking, farming, and, if successful, operating restaurants and becoming merchants.

Chinese men had been trapped as "coolies" or contract laborers bound for South America, Southeast Asia, and the West Indies for years before California became the more popular destination. A wage of $1.00 per day could assist an entire family at home in China. Husbands left wives and children, and parents sent their sons. As a result, early Chinese communities in the United States were comprised almost entirely of bachelors. In 1850, approximately 450 Chinese men entered California; in 1852, 2,716 more arrived; and in 1852, 20,000 Chinese men crossed from China to the Pacific Northwest. By 1880, the ratio of male to female Chinese immigrants was approximately 20:1. They lived and worked in Chinatowns, in groups according to their district or region and dialect.

The early Chinese immigrants were begrudgingly accepted by Americans and were not the immediate targets of animosity or violence. However, taxes aimed at foreigners made earning wages difficult. California passed the foreign mine tax in the 1850s, which directly affected the majority of the Chinese immigrants who were working in the mines. In addition, they were required to pay an alien poll tax of $2.50 per month until 1862, when it was declared unconstitutional.

Additional discriminatory legislation the Chinese faced during the latter half of the 19th century pertained to segregated schools, lodging ordinances, laundry licensing fees, prohibition of intermarriage with whites, and bans from sections of cities. In 1854, a California judge's ruling barred Chinese immigrants from testifying in court after the testimonies of Chinese witnesses resulted in the murder conviction of a white man. The judge reversed the verdict citing the Criminal Act of 1850, which had previously

prohibited blacks, mulattos, and Indians from testifying for or against a w hite man. By 1855 Chinese merchants began organizing to protest these and other discriminatory acts. Eventually this organization became known as the Chinese Consolidated Benevolent Association, or the Chinese Six Companies. The Chinese Six Companies settled arguments within their own community, negotiated between the Chinese people and the federal and state governments, and hired lawyers to challenge unfair practices in court.

The main sources of anti-Chinese sentiment during this time were workers' groups who described the influx of Asian workers to the United States as "yellow peril." In addition to widespread intolerance for people of color, many labor groups held that cheap immigrant labor would lower wages for American workers. In the 1870s, the Anti-Coolies Association and the Supreme Order of the Caucasians ran boycotts of Chinese businesses and laborers and caused riots in Chinatowns across the West. Many immigrants returned to China, while others fled to San Francisco, home to the largest Chinese community and Chinatown in the United States.

Fueling the anti-Chinese sentiment in the United States was the widespread economic depression of the 1870s. It was believed that overcapitalizing of railroads contributed to the Panic of 1873, and as a result the railroads, big businesses, and the Chinese laborers became targets. The public, upset with big business excesses and rampant unemployment, supported early labor organizations such as the Workingman's Party led by Denis Kearney, himself an Irish immigrant. Their particular scapegoat was the Chinese immigrant. In 1877, the Workingman's Party led several violent demonstrations in San Francisco alone.

Some courts did oppose attempts to harass and discriminate against the Chinese. In one San Francisco case, a judge denounced a ruling by the Board of Supervisors that required male prisoners' hair to be cut within one inch, unofficially referred to as the "Queue Ordinance." The judge described it as spiteful legislation intended to discourage immigration. He ruled that such a hair-cutting law purposely aimed at the Chinese, which was not enforced against any other prisoners, violated the Civil Rights Act of 1870, the 14th Amendment, and the Burlingame Treaty. However, local courts could not prohibit federal legislation such as the Chinese Exclusion Act, which, when passed in 1882, became the most devastating of all anti-Chinese legislation. It barred Chinese from entering the United States for 10 years, allowing only Chinese merchants, teachers, students, or travelers in, and only under strict regulations. It also required Chinese already residing in the United States to have a permit to reenter the country, and it granted all Chinese permanent alien status; this meant they could not become citizens. The Chinese Exclusion Act was extended two times, once in 1892 for an additional 10 years, and again in 1902 for an indefinite time period. It was finally repealed in 1943.

As Chinese workers who remained in the United States migrated eastward for work, discriminatory legislation and a poor economic climate accompanied them. Thus, they continued to be scapegoats for anti-immigrant labor organizations. The featured documents, an affidavit by two Chinese merchants in Butte, Montana, and the

corresponding trade union flyers calling for a boycott of Chinese businesses in Butte, are evidence of the existence of this activity outside of California.

In 1884, labor unions in Butte ordered Chinese immigrants to leave town, with no results. In 1891-92 and again in late 1896 during another nationwide depression, the labor unions boycotted Chinese-owned businesses as well as businesses employing Chinese, blaming the immigrants for the adverse economic climate. Union flyers promoting the boycott, several of which are featured as document 1, were one means of notifying members and encouraging the general public not to patronize these establishments.

While many Chinese fled Butte, some merchants retaliated in federal court. In *Hum Lay, et al. v. Baldwin* , also known as the Chinese Boycott Case, an injunction to stop the boycott was sought by Chinese merchants. The court paperwork lists 132 Chinese names. The affidavit of Huie Pock and Quon Loy, testimony in this case, is the second featured document. The case was heard in the Circuit Court of the United States, Ninth Circuit, District of Montana, and contrary to the prevailing public attitude of the time, the court ruled in favor of the Chinese plaintiffs. The defendants were "enjoined and refrained from further combining or conspiring to injure or destroy the business of the said complainants or any of them and from threatening, coercing or injuring any person or persons becoming or intending to become patrons of said complainants." The Chinese also recovered costs of $1750.05 from the defendants for fees and expenses. The relief sought was injunctive, which is an equitable remedy, so the court "sitting in equity" rather than "at law" provided relief in the form of prohibiting (enjoining) certain behavior (injunction) or causing the defendant to perform certain actions (specific performance) rather than money damages. In other words, the federal court listened to the grievances of a hated minority and ruled based on fairness rather than race. The union was ordered to stop their activities.

Resources

Daley, W. *The Chinese Americans* . New York: Chelsea House, 1987.

Yu, C. Y. *Who are the Chinese Americans?* In Gall, S. & Natividad, I., eds. Reference Library of Asian America, Vol. 1, pp. 41-62. Detroit: Gale Research, Thompson Publishing, 1996.

Teaching Activities

Interpreting the Documents

1. Divide students into small groups and assign each group one of the three union flyers. Direct students to study their flyers and answer the following questions: What type of document is this? What was the document's main message? Who was the advertiser/author? Who was the intended audience? What could the motivation behind the message have been?
What words are unfamiliar? Allow each group to share its findings with the whole class

and clarify unfamiliar vocabulary terms. Initiate a discussion of labor unions' anti-immigrant, and in this case anti-Chinese, sentiments and activities.

2. Instruct students to answer the following guiding questions while reading the affidavit. (This document may be challenging for younger students to comprehend independently because of its vocabulary and length. Most would benefit from a whole-class approach to the affidavit.)

What type of document is this?
When and where was it created?
Who initiated it?
Toward whom were the claims directed?
Where were the complainants from originally, and where were they residing at the time of the document?
In paragraph 1, what did they accuse the defendants of having done?
In paragraph 2, what additional claims did they make?

Lead a class discussion of the document contents. Ask students to explain whether or not they think the Chinese men had a justifiable case. On the board or overhead transparency, compile a list of Huie Pock's and Quon Loy's specific complaints and the defendants' potential responses to these complaints. To summarize, direct students to assume the roles of Huie Pock or Quon Loy and write letters home to China describing the difficulties they are encountering in Butte, Montana.

Courtroom Simulation

3. Create your own courtroom drama by staging a simulation of the Chinese Boycott Case in your classroom. Assign students to the roles of judge, attorneys (Messrs. Sanders and Sanders for the complainants), complainants, and several of the defendants. Challenge other students to create the following roles as witnesses for the complainants: other Chinese merchants, representatives from "scab" or unfair houses, a local employer of a Chinese worker. Additional witnesses for the defense might include unemployed union and nonunion workers, local Butte merchants, and various patrons of Butte businesses. Instruct each student to write a character sketch for his or her role that includes information about the character's potential economic and family situations and opinion on the boycott. If possible, refrain from revealing the judge's actual ruling in the case until after the simulation, but do provide some direction to both sides in preparing their cases.

Immigration Data and Statistics

4. Chinese immigration was only one part of a much larger immigration wave during the 19th century. During this time millions of Europeans, first from the northern and western countries and then from the southern and eastern ones, entered the United States on its eastern shores. Instruct students to collect data (or provide for younger students) and create pie charts or bar graphs for U.S. immigration figures for designated periods of

time. In order to be able to compare charts, predetermine parameters such as 1) the years or time periods to be reflected, 2) classification of immigrants by country, continent, or region, 3) color-coding immigrant classifications, and 4) scale or size of the graphs. The Immigration and Naturalization Service Web site <http://www.ins.usdoj.gov/graphics/index.htm>is a source for recent immigration statistics. Check the Census Bureau Web site <http://www.census.gov/> for additional information from Population of the Largest Cities and Other Urban Places in the United States: 1790 to 1990. While these tables do not provide specific country-of-origin information, they clearly exhibit the rapid population growth of U.S. cities during the late 19th and early 20th centuries.

Legislation Timeline

5. While the Chinese Exclusion Act was directed solely against a single ethnic group, it was one of many laws passed regarding immigration. It was preceded by the Burlingame Treaty and followed by others such as the Emergency Quota Act of 1921, the Immigration and Nationality Act of 1965, and the Immigration Act of 1990. Direct students to research previous and current immigration legislation and assemble a timeline of major policies and laws. If class time is a constraint, divide students into groups and focus them on different historical periods. Assemble one large classroom timeline from their separate findings.

Compare and Contrast

6. The Chinese were not the only immigrants subject to discriminatory acts over the last century. During periods of economic strife it is not uncommon for a country's native citizens to target recent immigrants as scapegoats. Mexican immigrants have been affected this way over the course of the 20th century, particularly during the Great Depression of the 1930s, by "Operation Wetback" in 1954 and "Operation Jobs" in 1982, and by California's Proposition 187 in the 1990s. Using print and electronic sources, instruct students to research one of these examples and to compare and contrast the surrounding circumstances to those of the Chinese laborers' experiences. Presentations can be in written or graphic form.

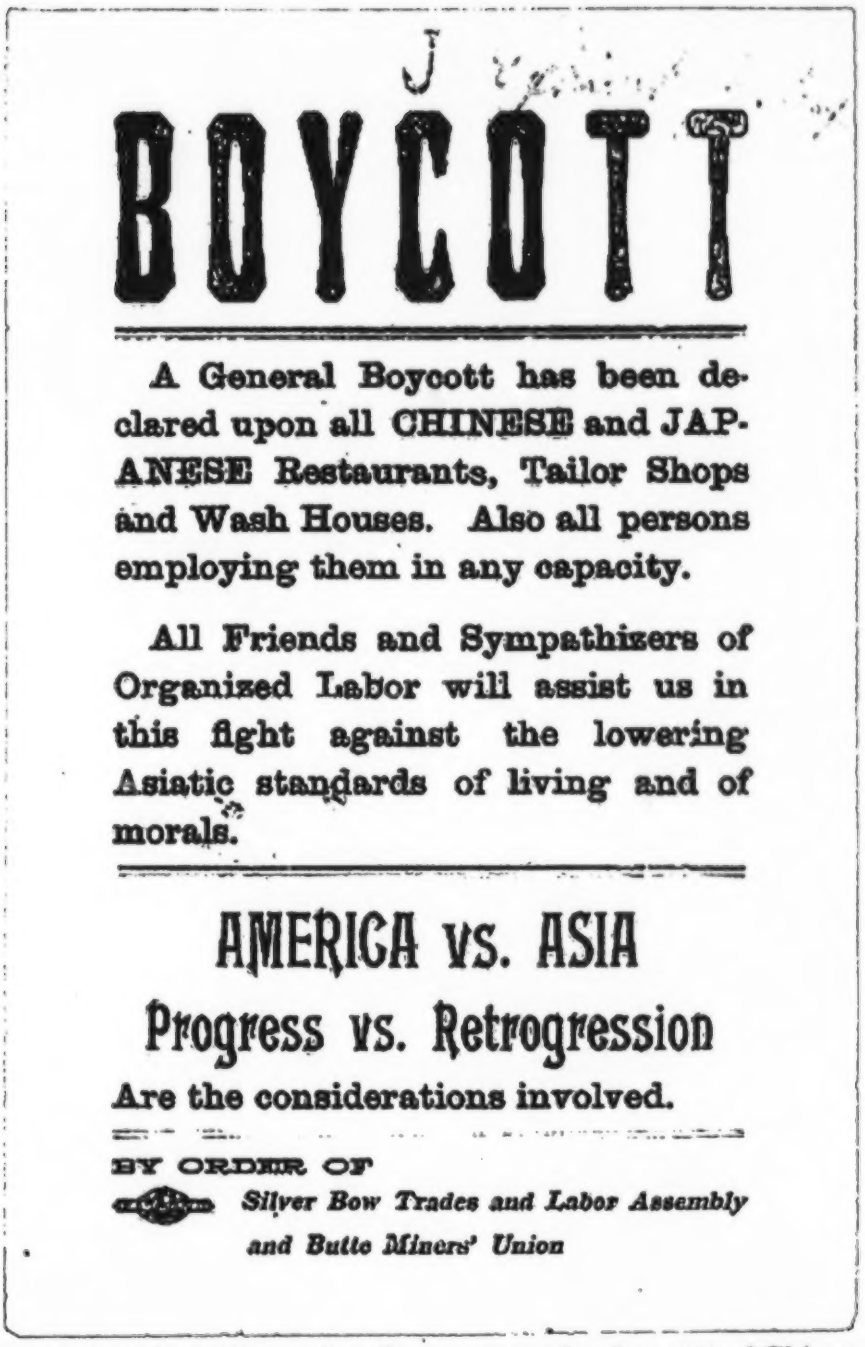
The Chinese Exclusion Act and NAIL Research

7. The Chinese Exclusion Act (1882) was the first law to bar a group's immigration on the basis of race. Provide students with information on the main provisions of the act and its subsequent extensions, which remained in effect until its 1943 repeal. To extend the students' study, direct them to do a NAIL Standard Search <http://www.nara.gov/nara/nail.html> under the keywords "Chinese Exclusion Act" specifying only descriptions linked to digitized copies. The search will result in 275 documents surrounding Chinese immigrant issues that will be listed in a table. Students should focus on a particular person and summarize the document or documents surrounding the case as done in Activity 2. To save time (or for younger students), searches may be narrowed down to cases involving 1 to 50 documents by using any of the following keywords: twelve

Chinese men; Chinese Exclusion Act and reentry; Louie Jock Sung; Lee See Nam; James Wong Howe; Wong Foe Kwong; Chin Wing; Lee Wong Hing; or Lock Deon.

The documents included in this project are from Record Group 21, Records of the U.S. Circuit Courts. They are available online through the National Archives Information Locator (NAIL) <http://www.nara.gov/nara/nail.html>database, control numbers NRIS-21-CCBUTTE-CIVIL40-EXHIBITS and NRIS-21-CCBUTTE-CIVIL40-AFFADAVITS. NAIL is a searchable database that contains information about a wide variety of NARA holdings across the country. You can use NAIL to search record descriptions by keywords or topics and retrieve digital copies of selected textual documents, photographs, maps, and sound recordings related to thousands of topics.

This article was written by Mary Frances Greene, a teacher at Marie Murphy School, Avoca District 37, Wilmette, IL.



BOYCOTT

A General Boycott has been declared upon all CHINESE and JAPANESE Restaurants, Tailor Shops and Wash Houses. Also all persons employing them in any capacity.

All Friends and Sympathizers of Organized Labor will assist us in this fight against the lowering Asiatic standards of living and of morals.

AMERICA vs. ASIA

Progress vs. Retrogression

Are the considerations involved.

BY ORDER OF

Silver Bow Trades and Labor Assembly and Butte Miners' Union

Document 1: Labor union flyers promoting boycott of Chinese businesses, Example 1

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Exhibit A

BOYCOTT

MEMBERS AND FRIENDS

—OF—

ORGAGIZED LABOR

Notice is hereby given that MRS. GEO. ALTHOFF, proprietress of the WILL HOUSE at corner of Arizona and E. Broadway defies organized labor, and says she will continue to patronize Chinese.

GUIDE YOURSELVES ACCORDINGLY

BY ORDER OF

Silver Bow Trades and Labor Assembly

Document 1: Labor union flyers promoting boycott of Chinese businesses, Example 2

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Exhibit K K K K

BOYCOTT!

TO ALL FRIENDS OF ORGANIZED LABOR

THE BUTTE TAILORS UNION

Has placed a Boycott on all Agents taking orders for Eastern "Scab" and Unfair Houses.

Also All "Scab" and Unfair Houses as Follows:

George Palmer, 40 East Broadway. Employs scab labor.

James W. Bell, 40 East Broadway. Represents Eastern ready-made garments for custom tailors' make.

Goldman and Rheinbeck, 40 East Broadway, agents for Kuh Bros., a Chicago scab firm.

A. J. Beckman, 4 South Wyoming, agent for Eastern scab and unfair houses.

Lease Bros., 8 E. Broadway, scab tailors.

Aiken, 219 N. Main, same as Beckman.

McConville, Agent for Eastern scab made garments.

P. J. Maloney, Lou Wise and Wm. Fitzgerald, Agents for Eastern Scab and Unfair Houses.

Abraham, Cor. Wyoming and Broadway.

Lichtenstein, 258 East Park.

and Dolling, East Park, agents and introducers of the sweat-shop system.

And Last But Not Least

All Chinese Tailor Shops.

WE BELIEVE THAT

The Public Will Take an Interest

in this Boycott and help us to enforce it, as it is to their interest as well as ours that they should not be deceived into buying a ready-made garment for a custom tailor's make.

See That This **Label is Attached**

and you may rest assured that your clothing has been made under fair sanitary conditions, that you have the genuine article and at the same time patronize home industry. This is the only Label used by Custom Tailors in America.

BY ORDER OF **BUTTE TAILORS' UNION**

Endorsed by **Silver Bow Trades & Labor Assembly**

Document 1: Labor union flyers promoting boycott of Chinese businesses, Example 3

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In the Circuit Court of the United States, Ninth Circuit, District of Montana.

----------oooooooo----------

Hum Fuy, Dear Yick and Hum Tong and Huie Pock, Complainants.

vs.

Frank Baldwin, Griffith E. Tayler, George Merchart, George B. Walters, P. H. Burns, Ed. Marchand, H.C. Morgan, M. J. Geiger, Louis Schaffer, Harry Lagalla Charles Slayton, J.U Huffman, George W. Morgan Frank P. Waldes, Fred Whatley, Albin A. Sandahl, Robert E. Tayler, J.H.Free, W. R. Martin, W.H.Eddy, and John Doe and Richard Roe, whose real names are unknown, Defendants.

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United States of America,
District of Montana,
County of Lewis and Clarke. } ss.

Now come Huie Pock and Quon Loy, and say, each for himself, and not one for the other, upon oath:

That he is a subject and citizen of the Empire of China, of Chinese descent, and is more than thirty years of age, and resides at Butte in Silver Bow County, State of Montana. That by the concerted and joint action of the defendants and their confederates, he knows of the conspiracy and combination in the bill of complaint in this action set forth and described; that for the last three months and more, said defendants or some of them have been engaged in carrying or causing to be carried the banners and pictures, transparencies, mottoes and floats through the streets in the City of Butte aforesaid, in conspicuous and prominent places in the presence of large numbers of the inhabitants thereof, and persons therein; that the same are defamatory and libelous of all persons of Chinese descent, and were so designed and intended to be done to excite the animosity of the citizens of said Butte towards the complainants in this action, and others of Chinese descent, and that they do so excite animosity and malice against persons of Chinese nativity

Document 2: Affidavit of Huie Pock and Quon Loy, Page 1

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and descent, and that certain of said defendants by the procurement of said defendants and others as affiants believe, have for the last three months, or thereabouts been standing, and yet continue to stand upon the side walk in front of, or in the immediate vicinity of divers and sundry places of business of the complainants and other Chinese, accosting the patrons of said Chinese, advising them that the said place of business of such Chinese are boycotted, and directing that they refrain from patronizing them.

And affiants further say that the parties carrying said banners and so maintaining the system of espionage over patrons of the complainants and others of Chinese descent and nativity, receive wages therefor, paid as affiants are informed and believe, by the defendants and other contributing thereto; and that said defendants, and their aiders and abettors, agents, servants and others have threatened and endeavored to coerce persons intending to become patrons of the said complainants and other Chinese from patronizing such Chinese, and have caused, and do cause to be published in the newspapers of said County of Silver Bow, notices that the said Chinese in said City of Butte are boycotted and to circulate dodgers, assuming to direct all persons not to patronize the Chinese aforesaid; that as a result of the actions aforesaid the business of the said complainants and others of Chinese descent have been seriously impaired, and are likely to be wholly destroyed if the same shall continue, and that the said defendants and others yet continue to and do threaten to continue the unlawful acts aforesaid, and as affiants are informed and believe in consequence of the said conspiracy and combination divers and sundry murders of persons of Chinese descent and nativity and subjects of the Empire of China, being alien residents of said County of Silver Bow, have been maliciously committed.

And affiants say that the injury and damage to the said complainants resulting from the combination and conspiracy of the aforesaid defendants, cannot be so measured by proof as that there is for a redress thereof, a plain, speedy or adequate remedy at law; and that for the redress thereof a multiplicity of suits would be required.

Document 2: Affidavit of Huie Pock and Quon Loy, Page 2

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3

Huie Pock

Quon Loy

Subscribed and sworn to before me this 15th day of April, 1897.-

Gerald V. Bruce

~~Notary Public in and for Deer Lodge and Clerk County, State of Montana.~~ Clerk U.S. District Court, Dist. Montana.

Document 2: Affidavit of Huie Pock and Quon Loy, Page 3

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